



February 1, 2002

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## SENATE BILL No. 33

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DIGEST OF SB 33 (Updated January 30, 2002 6:55 PM - DI 71)

**Citations Affected:** IC 20-12; noncode.

**Synopsis:** Higher education matters. Makes various changes to the membership and responsibilities of the commission for higher education. Makes various changes concerning the administration and funding of the community college of Indiana.

**Effective:** July 1, 2002.

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### Meeks R, Simpson, Server

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November 20, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

January 24, 2002, amended; reassigned to Committee on Education.

January 31, 2002, reported favorably — Do Pass.

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SB 33—LS 6221/DI 13+



February 1, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 33

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 20-12-0.5-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The general purposes  
3 of the commission are the following:

4           ~~(1) Plan and coordinate Indiana's state supported system of~~  
5           ~~postsecondary education.~~

6           ~~(2) Review appropriation requests for postsecondary education.~~

7           ~~(3) (1) Make recommendations to the governor, budget agency, or~~  
8           ~~the general assembly concerning postsecondary education.~~

9           ~~(4) (2) Perform other functions assigned by the governor or the~~  
10           ~~general assembly, except those functions specifically assigned by~~  
11           ~~law to the commission on vocational and technical education~~  
12           ~~within the department of workforce development.~~

13           SECTION 2. IC 20-12-0.5-5, AS AMENDED BY P.L.136-1999,  
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2002]: Sec. 5. (a) The commission shall consist of **eighteen**  
16 **(18) members as follows:**

17           **(1)** Fourteen (14) members, citizens of Indiana, appointed by the

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governor.

**(2) The four (4) members of the general assembly who are also members of the state budget committee.**

(b) Each congressional district shall be represented by at least one (1) member who resides in the congressional district. In addition, one (1) member must be a student and one (1) member must be a full-time faculty member of a higher education institution (as defined in IC 20-12-5.5-1) who shall be appointed by the governor under the procedures set forth in this section.

(c) Except for the one (1) full-time faculty member and the one (1) student member appointed under subsection (b), no member while serving a term may be an employee of or serve on the governing board of any state or private college or university in Indiana.

(d) The governor shall appoint the student member and the full-time faculty member of the commission from a list for each appointment that:

(1) contains at least three (3) names but not more than five (5) names; and

(2) is submitted by a nominating committee established under subsection (e).

(e) The chairman of the commission shall appoint ten (10) members of the nominating committee as follows:

(1) Five (5) students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.

(2) Five (5) full-time faculty members from state educational institutions, with not more than one (1) full-time faculty member from any one (1) educational institution.

**(f) The members of the general assembly who serve on the commission are nonvoting members.**

SECTION 3. IC 20-12-0.5-7, AS AMENDED BY P.L.136-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. Organization. The commission shall elect from its membership a chairman and vice-chairman, and other necessary officers. Members shall receive per diem, lodging, and mileage for attendance at regular or special meetings and shall be reimbursed for necessary expenses incurred on other official duties. **Legislative members are entitled to the same per diem and expenses for their service under this chapter as they receive as members of the budget committee.**

SECTION 4. IC 20-12-0.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. The commission



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shall have the following powers and duties:

(1) To develop, continually keep current, and implement a long range plan for postsecondary education. In developing this plan, the commission shall take into account the plans and interests of the state private institutions, anticipated enrollments in state postsecondary institutions, financial needs of students and other factors pertinent to the quality of educational opportunity available to the citizens of Indiana. **The plan shall define the educational missions and the projected enrollments of the various state educational institutions. The plan may not define or recommend enrollment targets or educational missions of individual state supported institutions.**

(2) To consult with and make recommendations to the commission on vocational and technical education within the department of workforce development on all postsecondary vocational education programs. The commission shall biennially prepare a plan for implementing postsecondary vocational education programming after considering the long range state plan developed under IC 20-1-18.3-10. The commission shall submit this plan to the commission on vocational and technical education within the department of workforce development for its review and recommendations, and shall specifically report on how the plan addresses preparation for employment.

(3) To make recommendations to the general assembly and the governor concerning the long range plan, and prepare to submit drafts and proposed legislation needed to implement the plan. The commission may also make recommendations to the general assembly concerning the plan for postsecondary vocational education under subdivision (2).

**(4) To review the legislative request budgets of all state educational institutions preceding each session of the general assembly and to make recommendations concerning appropriations and bonding authorizations to state educational institutions including public funds for financial aid to students by any state agency. The commission may review all programs of any state educational institution, regardless of the source of funding, and may make recommendations to the governing board of the institution, the governor, and the general assembly concerning the funding and the disposition of the programs. In making this review, the commission may request and shall receive, in such form as may reasonably be required, from all state educational institutions, complete information concerning all receipts and all**



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expenditures.

(5) (4) To submit to the commission on vocational and technical education within the department of workforce development for its review under IC 20-1-18.3-15 the legislative budget requests prepared by state educational institutions for state and federal funds for vocational education. These budget requests shall be prepared upon request of the budget director, shall cover the period determined by the budget director, and shall be made available to the commission within the department of workforce development before review by the budget committee.

(6) (5) To make, or cause to be made, studies of the needs for various types of postsecondary education ~~and to make recommendations to if requested by~~ the general assembly and the governor concerning the organization of these programs. The commission shall make or cause to be made studies of the needs for various types of postsecondary vocational education and shall submit to the commission on vocational and technical education within the department of workforce development its findings in this regard.

(7) (6) To approve or disapprove the establishment of any new branches, regional or other campuses, or extension centers or of any new college or school. ~~or the offering on any campus of any additional associate, baccalaureate, or graduate degree; or of any additional program of two (2) semesters; or their equivalent in duration; leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school; or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission. The commission may not approve or disapprove academic programs.~~

(8) (7) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to

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designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

~~(9)~~ (8) To designate and employ an executive officer and necessary employees, to designate their titles, and to fix the compensation in terms of the employment.

~~(10)~~ (9) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

~~(11)~~ (10) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

~~(12)~~ (11) To develop a definition for and report biennially to the:

(A) general assembly;

(B) governor; and

(C) commission on vocational and technical education within the department of workforce development;

on attrition and persistence rates by students enrolled in state vocational education.

SECTION 5. IC 20-12-75-4, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A community college system is established as a coordinated partnership of Vincennes University and Ivy Tech State College that:

(1) offers a community college curriculum at all major instructional sites of Ivy Tech State College; and

(2) provides ~~an opportunity~~ **additional opportunities** for students to earn associate degrees that are accepted by four (4) year colleges and universities.

(b) ~~Notwithstanding any provision of this chapter, no courses may be offered by the community college system established by this section before January 1, 2000: Ivy Tech State College shall function as the administrative partner of the coordinated partnership at each of its instructional sites where the community college system is implemented. As the administrative partner, Ivy Tech State College shall do the following:~~

(1) Subject to subsection (c), hire and pay all employees, including faculty who teach Vincennes University courses.



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**(2) Determine course schedules and which courses are offered or dropped.**

**(3) Determine the policies that apply to all employees and students.**

**(4) Treat all students as students of Ivy Tech State College and provide a full array of support services for all students, including financial aid services.**

**(5) Collect the appropriate fees from each student and apply those fees to provide instruction and support services to students within the Ivy Tech State College administrative region within which the instructional site where the student is enrolled is located.**

**(c) Before hiring an employee to teach one (1) or more Vincennes University courses, Ivy Tech State College shall provide Vincennes University with a written summary of the potential employee's qualifications. Ivy Tech State College may not hire a person to teach a Vincennes University course if Vincennes University provides a written objection within five (5) calendar days of the date that Ivy Tech State College provides the written summary to Vincennes University.**

SECTION 6. IC 20-12-75-5, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. **(a)** Although the community college system is a coordinated partnership of Vincennes University and Ivy Tech State College, under the community college system:

(1) each institution remains an independent entity; and

(2) the coordinated system shall not in any way limit the independence of each institution.

**(b) Vincennes University or Ivy Tech State College may enter into partnerships with other state supported institutions of higher education in Indiana to carry out any of the community college responsibilities of Vincennes University or Ivy Tech State College under this chapter.**

SECTION 7. IC 20-12-75-6, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. Vincennes University shall offer:

(1) associate of arts and associate of science degrees, which consist of courses that are in the liberal arts, and which are designed and articulated explicitly to prepare students for junior-level standing in baccalaureate degree programs at four (4) year institutions; and

(2) general education courses ~~including calculus and 200-level~~



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~~mathematics courses, except that will supplement~~ those general education courses to be taught by Ivy Tech State College under section ~~7(2)~~ **(7)(4)** of this chapter.

SECTION 8. IC 20-12-75-7, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. Ivy Tech State College shall offer:

(1) associate of science and associate of applied science degrees, which are designed to prepare individuals for the job market and which may also transfer, **including an associate of science degree in general studies;**

**(2) one year technical certificates; and**

**(3) short term certificates;**

~~(2) anatomy and physiology; computer literacy; and 100-level mathematics courses; and~~

~~(3) all~~ **(4) the same general education courses that were included in its course inventory as of January 1, 1999, or that have been developed to replace any of those courses; and**

**(5) all remedial education courses.**

SECTION 9. IC 20-12-75-8, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) For purposes of this section, "business and industry responsibilities" include the delivery of workforce literacy programs such as programs designed to enhance the language arts, mathematics, and literacy skills of workers.

(b) Ivy Tech State College shall have responsibility for providing business and industry training throughout the state. ~~except for the regions surrounding the Vincennes University campuses in Vincennes and Jasper.~~

(c) Vincennes University ~~shall continue its coordination of~~ **may continue to provide** business and industry training ~~at the level that existed as of January 1, 1999, but shall do so in cooperation with Ivy Tech State College throughout the state. However, Vincennes University may not have the equivalent of more than three (3) full-time employees engaged in marketing or administering business and industry training at any time.~~

**(d) Ivy Tech State College and Vincennes University may enter into agreements under which they work together to meet the needs of a particular firm.**

SECTION 10. IC 20-12-75-13, AS ADDED BY P.L.273-1999, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. ~~(a) For purposes of this section;~~

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the HUPH campus of Indiana University is not considered to be a regional campus.

(b) Except as provided by subsection (c), the community college system may not be implemented at any site where an Indiana University or Purdue University regional campus is located until after June 30, 2002.

(c) One (1) community college system site may be implemented at a site where a regional campus of Indiana University or Purdue University is located if approved by the governor.

(d) A community college site selected by the community college policy committee may not be implemented unless:

(1) the legislative council has recommended the approval of the site to the state budget committee; and

(2) the state budget committee has approved the site.

(e) The community college system may not be implemented at more than ten (10) Ivy Tech State College sites before July 1, 2002.

SECTION 11. [EFFECTIVE JULY 1, 2002] (a) The provisions of this SECTION apply notwithstanding P.L.291-2001.

(b) The trustees of Vincennes University and Ivy Tech State College, and their respective institutions, are no longer subject to the requirement that they not increase the total Indiana resident student tuition fees and academic facilities fees in exchange for certain appropriations under P.L.291-2001, SECTION 5. The requirement to freeze tuition and fees as a condition of receiving their respective total operating expense appropriation for the fiscal year beginning July 1, 2002, is void.

(c) Funds appropriated for the start-up of the community college of Indiana under P.L.291-2001 may not be allotted to or expended by Vincennes University, Ivy Tech State College, or the commission for higher education unless the allotment and expenditure of funds is approved by the budget agency after review by the budget committee.

(d) This SECTION expires July 1, 2003.

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## SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 33, that Senator Meeks R be substituted therefor, and that Senator Simpson be added as second author.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Education.

(Reference is to SB 33 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senator Server be added as coauthor of Senate Bill 33.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill No. 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 33 as printed January 25, 2002.)

LUBBERS, Chairperson

Committee Vote: Yeas 5, Nays 4.

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